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Attorneys for USACM Liquidating Trust

E-Filed on 4/14/2009

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR,
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR,
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Response By The USACM
Liquidating Trust To the Motion Of
Temecula Public Finance Authority
To Determine That The Automatic
Stay Does Not Apply With Respect
To Certain Property Or, Alternative,
To Terminate The Automatic Stay**

Date: May 6, 2009
Time: 1:30 p.m.
Place: Courtroom 1
Foley Federal Building
300 Las Vegas Blvd., South
Las Vegas, Nevada

The USACM Liquidating Trust respectfully suggests that the Motion of Temecula Public Finance Authority To Determine That The Automatic Stay Does Not Apply With Respect To Certain Property Or, Alternative, To Terminate The Automatic Stay should be denied as moot.

On January 8, 2007, this Court entered its Order Confirming the “Debtors’ Third Amended Joint Chapter 11 Plan of Reorganization” as modified herein. [DE 2376].

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.



1 Confirmation of a chapter 11 plan of reorganization generally terminates the automatic
2 stay under § 362(e) because confirmation of the plan reverts property of the estate in the
3 reorganized debtor or its successor within the meaning of § 362(c)(1),⁴ and the
4 confirmation order is the functional equivalent of a discharge within the meaning of
5 § 362(c)(2)(C).⁵

6 Accordingly, the USACM Liquidating Trust respectfully requests that the Motion
7 be denied as moot.

8 Dated: April 14, 2009.

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10 **LEWIS AND ROCA LLP**

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28 ⁴ *In re Terrebonne Fuel and Lube, Inc.*, 108 F.3d 609, 613 (5th Cir. 1997).

⁵ *United States v. White*, 466 F.3d 1241, 1245 (11th Cir. 2006) (confirmation of the chapter 11 plan discharges the debtor and that discharge terminates the automatic stay).



Proof of Service

Copy of the foregoing served on April 14, 2009, via e-mail to all parties with e-mail addresses on the Post Effective Date Official Service List on file with this Court and to:

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